

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriel Paniza	Team: Team # 8	CCRB Case #: 200610012	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/29/2006 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 1/29/2008	EO SOL 1/29/2008	
Date/Time CV Reported Mon, 07/31/2006 4:07 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/31/2006 4:07 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Matthew Zito	15264	937792	H BX/Q

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Wilson Verdesoto	26997	937685	BX/Q IM

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Zito	Abuse: PO Matthew Zito searched § 87(2)(b)	§ 87(2)(b)
B.POM Matthew Zito	Abuse: PO Matthew Zito issued a summons to § 87(2)(b)	§ 87(2)(b)
C.POM Matthew Zito	Abuse: PO Matthew Zito refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)

### Synopsis

On July 29, 2006 around 9PM § 87(2)(b) was returning to her apartment with a bottle of alcohol in a bag when she decided to go into her mother's apartment inside § 87(2)(b) to use the bathroom. She set down the bag with the alcohol next to a friend and went inside. As she was going inside she saw PO Matthew Zito and PO Wilson Verdesoto of the Housing Borough Bronx/Queens Impact Response Team, walking by. When § 87(2)(b) came back out to pick up her bag PO Zito allegedly ran over, grabbed the bag before she could pick it up and began to search it (**allegation A**). § 87(2)(b) protested, and PO Zito allegedly stated that she could not talk back to him, and that he was going to give her a disorderly conduct summons (**allegation B**). § 87(2)(b) asked PO Zito for his name and shield number, but PO Zito ignored her (**allegation C**). PO Zito then gave § 87(2)(b) a summons for § 87(2)(b).

§ 87(2)(g)

### Summary of Complaint

§ 87(2)(b) is a § 87(2)(b)-old black female. § 87(2)(b) works as a § 87(2)(b). § 87(2)(b) made her complaint with the CCRB over the phone on July 31, 2006. § 87(2)(b) provided an initial telephonic statement on August 7, 2006 (encl. 6). § 87(2)(b) was interviewed by the CCRB in her apartment at § 87(2)(b), in the Bronx (encl. 7). Discrepancies between the two statements are noted in the summary.

On July 29, 2006 at around 9 PM § 87(2)(b) was going back to her apartment after buying a fifth of liquor, when she felt the need to go to the bathroom. § 87(2)(b) decided to go to the bathroom in her mother's apartment, § 87(2)(b) which is on the first floor of § 87(2)(b). She set down the unopened fifth of liquor, which was in a plastic "liquor bag", next to a neighbor named § 87(2)(b) who was standing by a large picnic and birthday celebration being held by a large number of people in an enclosed space between § 87(2)(b). In her initial statement § 87(2)(b) stated that she was with § 87(2)(b) before she had to go to the bathroom. As she went into the building she could see two officers coming out. PO1 was a White male, between 5'9" and 6', over 200 pounds, with blond hair and clean-shaven (PO1 was identified during the investigation as PO Matthew Zito). PO2 was a male, 5'4", with black hair and fair skin. In her initial statement she stated PO2 was Asian (PO2 was identified during the investigation as PO Wilson Verdesoto). § 87(2)(b) stated that she had set down the liquor by the time she saw PO Zito and PO Verdesoto and she stated the officers could not have seen her put down the bag with the liquor.

When § 87(2)(b) came out of the bathroom less than 10 or 15 minutes later she saw the two officers were nearly outside the area of the building, by the fence leading to a path into Story Avenue. PO Zito turned around and came back up to where she was and took the bag with the liquor, which he proceeded to search, destroying the bag (**allegation A**). § 87(2)(b) asked why he was searching and destroying the bag, and PO Zito told her it was because he felt like it. § 87(2)(b) told him it was not appropriate for him to do that, and PO Zito responded that he could do what he wanted to do. PO Zito then said that as a matter of fact, § 87(2)(b) could not speak back to him, and since she was getting smart, he would issue her a disorderly conduct summons (**allegation B**). PO Zito put down the alcohol and began to check the back of his book. PO Verdesoto remained silent and did not interact with § 87(2)(b). § 87(2)(b) characterized PO Zito as very "cocky and nasty." People from the picnic were looking at the scene and what was going on. § 87(2)(b) stated that she never used any profanities at the officer, nor was she screaming, or acting up. PO Zito then stated that he would shut down the picnic as well. § 87(2)(b) stated that PO Zito probably said this believing § 87(2)(b) was involved in the picnic. § 87(2)(b) asked PO Zito for his name and shield number. PO Zito ignored her (**allegation C**), so § 87(2)(b) got a pen from a friend who works for § 87(2)(b) and wrote down his name and shield information from his shirt. Initially in her statement § 87(2)(b) stated that the officer gave her his name and shield. § 87(2)(b) did not allege the officer had refused to give her his name and shield in her initial phone statement. PO Zito told § 87(2)(b) to get away from him, to move to the side. PO Zito gave § 87(2)(b) a § 87(2)(b) summons. § 87(2)(b) stated that she asked PO Zito for his precinct, and PO Zito told her he came from PSA8. When PO Zito was finished, he told § 87(2)(b) she could pick up her alcohol, and left.

§ 87(2)(b) went upstairs and called PSA8 and was told that no officer by the name she had noted worked in PSA8. § 87(2)(b) stated that the next day she asked an officer about where PO Zito might work,

and that officer told her he worked for PSA7. In her initial statement § 87(2)(b) referred to PO Zito as Rosario, but when asked who was PO Zito, given that was the name on her summons, § 87(2)(b) stated she always meant Zito, but that she had been mispronouncing Zito as Rosario. § 87(2)(b) did not provide a last name or any contact information for § 87(2)(b).

### **Results of Investigation**

#### **Officer Statements**

##### *PO Matthew Zito*

PO Matthew Zito is a § 87(2)(b) year old white male, 6'2" tall, who weighs 250 pounds and has brown hair and eyes. On July 29, 2006 PO Zito as working with PSA 7 IRT, a borough housing command that covers the Bronx. He was assigned to a foot patrol in uniform with PO Verdesoto in Monroe Houses. In his memo book (encl. 9) PO Zito wrote: 2100: One female stopped f/o § 87(2)(b) female was acting loud and boistr. § 87(2)(b) § 87(2)(b) warrent MDT no hit. ADD § 87(2)(b) sum #§ 87(2)(b). 96X1 PO Zito/Verdesotto." [Sic] PO Zito was interviewed by the CCRB on February 9, 2007 (encl. 10) and again on March 15, 2007 (encl. 11).

At 9:00PM PO Zito and his partner responded to a call of individuals drinking inside of an enclosed playground across the street from § 87(2)(b). PO Zito stated that there was no special event going on that day. When they arrived at the playground his partner gave someone a summons for drinking. PO Zito then saw three closed twelve-ounce bottles of beer sitting below a bench inside the playground. The beers were not in any sort of bags or containers. PO Zito asked whose beers those were. No one in the crowd claimed the beers. PO Zito asked again, and when no one claimed them again he took the beers and threw them out. Seconds after he did so a woman, § 87(2)(b) came and began to scream that all the officers did was come and harass them in their neighborhood, and that those were her beers and PO Zito had had no right to throw them out. PO Zito had not seen her come out at § 87(2)(b). § 87(2)(b) had been in the park when the officers had arrived. § 87(2)(b) had earlier stated that the beers were not hers when PO Zito asked her directly if she owned those beers. PO Zito and his partner tried to get the group to disperse, but they group did not want to disperse because of § 87(2)(b) screaming. PO Zito gave § 87(2)(b) orders to stop screaming. After about five minutes of the woman screaming, PO Zito gave her a summons for § 87(2)(b). PO Zito gave her that summons because she was screaming loudly inside the playground as a crowd watched. PO Zito stated that he could have also given her a summons for having had glass bottles in a park once she admitted the beers were hers. PO Zito got her identifying information from a state issued identification. While he was writing the summons § 87(2)(b) asked him for his name and shield number. PO Zito told § 87(2)(b) his name and shield number. PO Zito recalled § 87(2)(b) having a pen with her, but did not recall if she wrote down his information. PO Verdesoto was present when she asked for his name and shield. The whole incident took between five and ten minutes and ended after he gave her the summons.

##### *PO Wilson Verdesoto*

PO Wilson Verdesoto is a § 87(2)(b) year old Hispanic male, 5'10" tall, who weighs 220 pounds, had brown hair, and brown eyes. On July 29, 2006 PO Verdesoto was assigned to a foot post inside the Monroe Houses, working for Housing Borough Bronx/Queens IRT. PO Verdesoto was working from 6:00PM to 2:35AM, and was patrolling on foot. PO Verdesoto was interviewed by the CCRB on March 2, 2007 (encl. 13).

PO Verdesoto had no recollection of this incident. PO Verdesoto stated that he did not recall who the other officers assigned to Monroe Houses that day were, and stated that there were about six posts total that day. PO Verdesoto did not recall working with PO Zito that day. PO Verdesoto confirmed that § 87(2)(b) is part of Monroe Houses. PO Verdesoto stated that July 29 was a "Family Day," a day on which the development has a large picnic, and stated that half the development would be drinking that day. PO Verdesoto did not recall giving any summonses for drinking outside. PO Verdesoto had no entries in his memo book for 9:00PM. PO Verdesoto stated that the only male Asian he could think of working in his command that day was PO Zhang, but he did not know if PO Zhang was assigned to work Monroe Houses that day.

#### **Police Documents**

According to the roll call for tour 3 for the Housing Borough Bronx/Queens Impact Response Team PO Zito as assigned to Post Sector 27, Bronx River. PO Verdesoto was assigned to Post sector 25,



§ 87(2)(g)  
[REDACTED]  
[REDACTED]

**Allegation A: PO Matthew Zito searched § 87(2)(b)**

§ 87(2)(b) stated that the incident began when PO Zito grabbed a bag holding half a gallon of alcohol belonging to her and searched the bag. § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]

PO Zito stated that there was no bag of alcohol and that the multiple small bottles of beer were sitting under a bench. According to PO Zito's testimony there was no search at all. § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation B: PO Matthew Zito issued a summons to § 87(2)(b)**

According to § 87(2)(b) PO Zito issued her a summons in retaliation for her complaints about PO Zito searching her bag containing alcohol. PO Zito stated that § 87(2)(b) was issued a summons after she refused to obey repeated orders to stop screaming in a public park.

The Patrol Guide states that officers are allowed to give summonses instead of arresting individuals for violations and that officers are allowed to arrest individuals for any offense if the officer has reasonable cause to believe the offense occurred in front of them (encl. 1). According to PO Zito, § 87(2)(b) was screaming inside of a public park in front of a crowd even after being ordered repeatedly to stop. § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation C: PO Matthew Zito refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(g)  
[REDACTED]  
[REDACTED] She made no allegation of this when she initially called the CCRB. When giving her sworn statement, she mentioned PO Zito ignoring her request only under questioning, claiming he had rudely ignored him, and that she had gotten the information from his uniform.

According to the Patrol Guide an officer must state his information when asked by a member of the public for the information. § 87(2)(g)

[REDACTED]  
[REDACTED]  
[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: